

Docket No.

1016-DQ

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

ENERGY INFORMATION SYSTEM AND SUB-MEASUREMENT BOARD FOR USE THEREWITH

the specification of which

(check one)

is attached hereto.

was filed on 02/23/98 as United States Application No. or PCT International Application Number 09/027,545

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

| (Number) | (Country) | (Day/Month/Year Filed) | <input type="checkbox"/> |
|----------|-----------|------------------------|--------------------------|
| | | | <input type="checkbox"/> |
| | | | <input type="checkbox"/> |

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.) (Filing Date)

(Application Serial No.) (Filing Date)

(Application Serial No.) (Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

| | | |
|--------------------------|---------------|--|
| (Application Serial No.) | (Filing Date) | (Status) (patented, pending, abandoned) |
| (Application Serial No.) | (Filing Date) | (Status) (patented, pending, abandoned) |
| (Application Serial No.) | (Filing Date) | (Status) (patented, pending, abandoned) |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

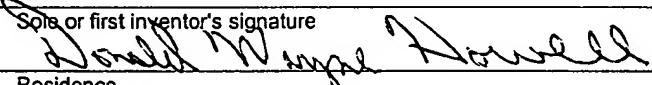
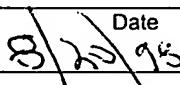
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

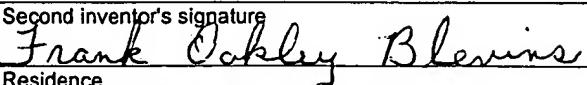
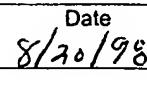
Joseph A. Sebolt
Frd H. Zollinger, III
Mide Sand

Reg. No. 35,352
Reg. No. 39,438
Reg. No. 26,503

Send Correspondence to: Joseph A. Sebolt
SAND & SEBOLT
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Direct Telephone Calls to: (name and telephone number)
Joseph A. Sebolt (330) 492-1925

| | |
|---|---|
| Full name of sole or first inventor Donald Wayne Howell | Date |
| Sole or first inventor's signature  |  |
| Residence 693 West road, Blue Ridge, VA 24064 | |
| Citizenship U.S.A. | |
| Post Office Address 693 West road, Blue Ridge, VA 24064 | |
| | |

| | |
|--|---|
| Full name of second inventor, if any Frank Oakley Blevins | Date |
| Second inventor's signature  |  |
| Residence 1718 Amy Lane, Salem, VA 24153 | |
| Citizenship U.S.A. | |
| Post Office Address 1718 Amy Lane, Salem, VA 24153 | |
| | |

| | | |
|--|----------------------------|------|
| Full name of third inventor, if any | | |
| Armand J. Tamagni, Jr. | Third inventor's signature | Date |
| <i>Armand J. Tamagni, Jr.</i> 8/20/98 | | |
| Residence | | |
| 3545 Carriage Lane, Botetourt County, Troutville, VA 24175 | | |
| Citizenship | | |
| U.S.A. | | |
| Post Office Address | | |
| 3545 Carriage Lane, Botetourt County, Troutville, VA 24175 | | |
| | | |

| | | |
|--------------------------------------|------|--|
| Full name of fourth inventor, if any | | |
| Fourth inventor's signature | Date | |
| | | |
| Residence | | |
| | | |
| Citizenship | | |
| Post Office Address | | |
| | | |

| | | |
|-------------------------------------|------|--|
| Full name of fifth inventor, if any | | |
| Fifth inventor's signature | Date | |
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| Residence | | |
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| Citizenship | | |
| Post Office Address | | |
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|-------------------------------------|------|--|
| Full name of sixth inventor, if any | | |
| Sixth inventor's signature | Date | |
| | | |
| Residence | | |
| | | |
| Citizenship | | |
| Post Office Address | | |
| | | |

Docket No.: 112325.133 US2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Donald Wayne HOWELL et al.

Serial No. 09/940,400

Art Unit: 2857

Filed: August 27, 2001

Examiner: Hal D. Wachsman

For: ENERGY INFORMATION SYSTEM AND SUB-MEASUREMENT BOARD FOR USE
THEREWITHREVOCATION OF POWER OF ATTORNEY AND
APPOINTMENT OF NEW AGENTHonorable Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, who is authorized to act on behalf of the Assignee of the identified application, hereby revokes all previous Powers of Attorney and appoints the following attorneys with full power to prosecute the application, to make alterations and amendments therein, and to transact all business in the United States Patent Office therewith.

I hereby appoint the following registered practitioners, and all registered practitioners listed at customer number 24395:

Scott M. Alter, Reg. No. 32,879; Hollie L. Baker, Reg. No. 31,321; Barbara A. Barakat, Reg. No. 32,190; Steven D. Barrett, Reg. No. 40,903; Michael J. Bevilacqua, Reg. No. 31,091; Sally Byrne, Reg. No. 40,545; M. Scott Carey, Reg. No. P 50,998; David L. Cavanaugh, Reg. No. 36,476; David J. Cerveny, Reg. No. 44,600; Nancy Chiu, Reg. No. 43,545; Michael A. Diener, Reg. No. 37,122; Peter M. Dichiara, Reg. No. 38,005; Gregory S. Discher, Reg. No. 42,488; Irah H. Donner, Reg. No. 35,120; Neal Goldberg, Reg. No. 48,527; Richard A. Goldenberg, Reg. No. 38,895; Edward D. Grieff, Reg. No. 38,898; Joseph F. Haag, Reg. No. 42,612; Wendy A. Haller, Reg. No. 35,177; Anthony H. Kahng, Reg. No. 42,704; Wayne M. Kennard, Reg. No. 30,271; Ann-Louise Kerner, Reg. No. 33,523; Janice M. Klunder, Reg.

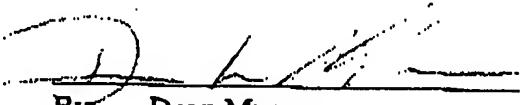
No. 41,121; James B. Lampert, Reg. No. 24,564; Ayla A. Lari, Reg. No. 43,739; Nels Lippert, Reg. No. 25,888; Jane M. Love, Reg. No. 42,812; Maria L. Maebius, Reg. No. 42,967; Dominic Massa, Reg. No. 44,905; Robert McIsaac, Reg. No. 46,918; Tiffany Mendez, Reg. No. P 50,160; Cynthia K. Nicholson, Reg. No. 36,880; Keum J. Park, Reg. No. 42,059; Tamera Pertmer, Reg. No. 47,856; Jason A. Reyes, Reg. No. 41,513; Gretchen A. Rice, Reg. No. 37,429; Mary Rose Scozzafava, Reg. No. 36,268; Victor F. Souto, Reg. No. 33,458; Donald R. Steinberg, Reg. No. 37,241; Colleen Superko, Reg. No. 39,850; C. Hall Swaim, Reg. No. 22,838; Leonid D. Thenor, Reg. No. 39,397; Michael J. Twomey, Reg. No. 38,349; Rajesh Vallabh, Reg. No. 35,761; Megan Valentine, Reg. No. 47,149; Gary A. Walpert, Reg. No. 26,098; Lisa M. Wilson, Reg. No. 34,045; Henry N. Wixon, Reg. No. 32,073; and Luke J. Yeh, Reg. No. 43,296;

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them at the address at **customer number 24395**, and specifically:

Irah H. Donner, Esq.
HALE AND DORR
1455 Pennsylvania Avenue, NW
Washington, DC 20004
TEL 202.942.8400
FAX 202.942.8484

Attached hereto as Appendix A is a copy of the Assignment of parent Application Serial No. 09/027,545 of the above-identified application from the inventors to AEP Communications, LLC, recorded at Reel/Frame: 9443/0734. Attached as Appendix B is a copy of the Assignment from AEP Communications, LLC to Enerwise Global Technologies, Inc. recorded at Reel/Frame: 013031/0729.

Respectfully submitted,
Enerwise Global Technologies, Inc.

By: 
Dean Musser
Senior Vice President

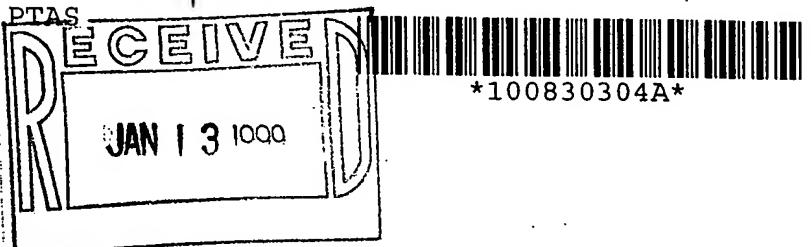
1455 Pennsylvania Avenue, NW
Washington, D.C. 20004
202.942.8400



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JANUARY 07, 1999

SAND & SEBOLT
JOSEPH A. SEBOLT
4801 DRESSLER RD., NW
STE. 194
CANTON, OH 44718-2569



UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/04/1998

REEL/FRAME: 9443/0734
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HOWELL, DONALD W.

DOC DATE: 08/20/1998

ASSIGNOR:

BLEVINS, FRANK O.

DOC DATE: 08/20/1998

ASSIGNOR:

TAMAGNI, ARMAND J., JR.

DOC DATE: 08/20/1998

ASSIGNEE:

AEP COMMUNICATIONS, LLC
1 RIVERSIDE PLAZA
COLUMBUS, OHIO 43215

SERIAL NUMBER: 09027545
PATENT NUMBER:

FILING DATE: 02/23/1998
ISSUE DATE:

9443/0734 PAGE 2

TONYA LEE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ASSIGNMENT

IN CONSIDERATION of the sum of One Dollar (1.00), and of other good and valuable consideration paid to the undersigned Assignor, by the Assignee, AEP Communications, LLC, a limited liability company organized under the laws of the Commonwealth of Virginia, having a business address of 1 Riverside Plaza, Columbus, Ohio 43215, receipt whereof is hereby acknowledged, the undersigned Assignor by these presents does hereby sell, assign, transfer and set over and have sold, assigned, transferred and set over unto the said Assignee the entire right, title and interest in and to the invention or improvement in ENERGY INFORMATION SYSTEM AND SUB-MEASUREMENT BOARD FOR USE THEREWITH said invention being fully described and/or claimed in the application for Letters Patent of the United States of America, executed this date, in and for the United States and all foreign countries, the same to be held and enjoyed by said Assignee, its successors, assigns or other legal representatives, to the full ends of the terms for which all Letters Patent therefor may be granted, as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment and sale had not been made.

AND SAID ASSIGNEE IS HEREBY AUTHORIZED to make application for and to receive Letters Patent for said invention in any of said countries at its election.

AND BY THIS COVENANT the undersigned Assignor will execute or procure any further necessary assurance of title to said invention and Letters Patent; and at any time, upon the request and at the expense of said Assignee, will execute and deliver any and all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patent which may be

granted therefor in said Assignee, its successors, assigns or other legal representatives, and, upon the request and at the expense of said Assignee, will execute any additional or divisional applications for patents for said invention, or any part or parts thereof, and for the reissue of any Letters Patents to be granted therefor, and will make all rightful oaths and do all lawful acts requisite for procuring the same or for aiding therein, without further compensation, but at the expense of said Assignee, its successors, assigns or other legal representatives.

AND THE COMMISSIONER of Patents is hereby authorized and requested to issue any and all Letters Patent of the United States for said invention, to said Assignee.

SIGNED and sealed this 20th day of August March, 1998.

WITNESS:

Victoria S. Rutledge Donald Wayne Howell
Assignor: Donald Wayne Howell

State of Virginia

City of Roanoke

SWORN to and subscribed to before me this 20th day of August, 1998.

S E A L.

Victoria S. Rutledge
NOTARY PUBLIC

WITNESS:

Victoria S. Rutledge

Frank Oakley Blevins

Assignor: Frank Oakley Blevins

State of Virginia

City of Roanoke

SWORN to and subscribed to before me this 20th day of August, 1998.

S E A L

Victoria S. Rutledge
NOTARY PUBLIC

WITNESS:

Victoria S. Rutledge Armand J. Tamagni Jr.
Assignor: Armand J. Tamagni, Jr.

State of Virginia

City of Roanoke

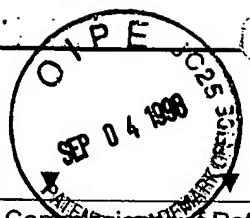
SWORN to and subscribed to before me this 20th day of August, 1998.

S E A L

Victoria S. Rutledge
NOTARY PUBLIC

SAND & SEBOLT
Aston Park Professional Centre
Suite 194
4801 Dressier Rd., N.W.
Canton, Ohio 44718
Telephone (330) 492-1925
Facsimile (330) 492-8336
Attorney Docket: 1016-DQ

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RE

09-16-1998

Ref No.: 1016-DQ

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

100830304

To the Honorable Commissioner of Patents and Trademarks: Please return the attached original documents or copy thereof.

1. Name of conveying party(ies):

Donald W. Howell, Frank O. Blevins,
Armand J. Tamagni, Jr.

Additional names(s) of conveying party(ies)

Yes No

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: 08/20/98

2. Name and address of receiving party(ies):

Name: AEP Communications, LLC

Address: 1 Riverside Plaza

City: Columbus State/Prov.: OH

Country: U.S.A. ZIP: 43215

Additional name(s) & address(es) Yes No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

Patent Application No. Filing date

09/027,545 02/23/98

B. Patent No.(s)

Additional numbers

Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Joseph A. Sebolt

Registration No. 35,352

Address: Sand & Sebolt

4801 Dressler Rd., NW, Ste. 194

City: Canton State/Prov.: OH

Country: U.S.A. ZIP: 44718-2569

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

Enclosed - Any excess or insufficiency should be credited or debited to deposit account
 Authorized to be charged to deposit account

8. Deposit account number:

19-0083

40.00
19-0083
09/01/98

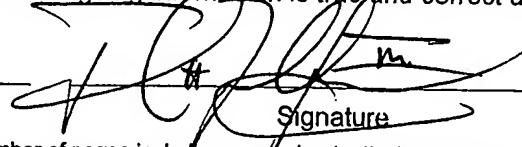
DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Fred H. Zollinger, III

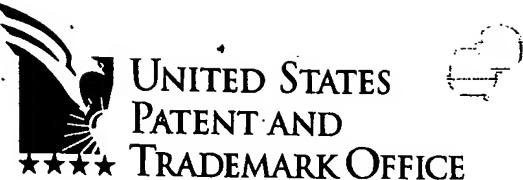
Name of Person Signing


Signature

Total number of pages including cover sheet, attachments, and

7

09/16/1998
FC



AUGUST 29, 2002

PTAS

Under Secretary of Commerce For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

MICHAEL SAND
4940 MUNSON ST. NW
MICHAEL SAND
AEGIS TOWER, SUITE 1100
CANTON, OH 44718



102141360A

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ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/25/2002

REEL/FRAME: 013031/0729
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

AEP COMMUNICATIONS, LLC

DOC DATE: 06/03/2002

ASSIGNEE:

ENERWISE GLOBAL TECHNOLOGIES, INC.
511 SCHOOLHOUSE ROAD
SUITE 200, P.O. BOX 390
KENNETT SQUARE, PENNSYLVANIA 19348

SERIAL NUMBER: 09027545
PATENT NUMBER:

FILING DATE: 02/23/1998
ISSUE DATE:

SERIAL NUMBER: 09940400
PATENT NUMBER:

FILING DATE: 08/27/2001
ISSUE DATE:

DOROTHY RILEY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

RECEIVED
SEP 06 2002
SAND & SEBOLT

ASSIGNMENT OF PATENT APPLICATIONS

WHEREAS, AEP Communications, LLC, ("Assignor"), a Virginia limited liability company, is owner of United States Patent Application Number 09/027,545 filed February 23, 1998 and titled ENERGY INFORMATION SYSTEM AND SUB-MEASUREMENT BOARD FOR USE THEREWITH ("the '545 Application"), and

WHEREAS, Assignor is the owner of United States Patent Application Number 09/940,400 a continuation of the '545 Application filed August 27, 2001 and titled ENERGY INFORMATION SYSTEM AND SUB-MEASUREMENT BOARD FOR USE THEREWITH ("the '400 Application"), and

WHEREAS, Enerwise Global Technologies, Inc. ("Assignee") a Delaware corporation and Assignor are parties to that certain Purchase and Sale Agreement made December 27, 2001(the "Agreement"), wherein Assignee purchased from Assignor and others the partnership interests of Datapult, LLC and Datapult Limited Partnership, including rights in certain intellectual property.

NOW THEREFORE, in consideration of the above premises and the covenants and agreements contained herein,

Assignor does sell, assign and transfer unto Assignee the entire right, title, and interest, if any, of Assignor in the '545 Application and the '400 Application (collectively, "the Applications"); the same to be held and enjoyed by Assignee for its own use, and for that of its legal representatives and assigns, to the full end of the term of the patents, if any, that issue from the Applications as fully and entirely as the same would have been held by Assignor if this Assignment of Patent Applications (the "Assignment") had not been made.

This Assignment is made AS-IS, and without any warranties whatsoever, expressed or implied, including as to the merchantability or fitness for a particular purpose of the technologies disclosed in the Applications, or for their failure to meet quality standards, codes, regulations, or applicable laws, or as to the sufficiency of Assignor's ownership interest in the Applications, or as to the patentability of the technology disclosed in the Applications.

Unless provided for otherwise herein, this Assignment shall be interpreted in a manner that is consistent with the terms and conditions of the Agreement.

The Commissioner of Patents is hereby authorized and requested to issue any and all Letters Patents of the United States arising from the Applications to Assignee.

This Assignment is executed this 3rd day of June 2002.

ASSIGNOR:

AEP Communications, LLC
a Virginia Limited Liability Company

Holly Keller Koeppel
Holly Keller Koeppel
Vice President
AT&T
6/3/2002

3 June 2002
Date

Rawn S. Riley
WITNESS

State of Ohio,
County of Franklin, SS:

SWORN to and subscribed to before me this 3rd day of June 2002.

Christina A. Faust
NOTARY PUBLIC

